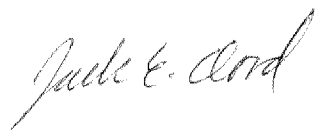


Form and Correctness Approved: **BAP**

Contents Approved:

**Marva A. Smith**By: _____
Office of the City AttorneyBy: _____
DEPT. Human Resources

NORFOLK, VIRGINIA

Ordinance No. 48687

AN ORDINANCE AMENDING CHAPTER 2.1 OF THE NORFOLK CITY CODE 1979 TO ADD ONE NEW ARTICLE CONCERNING LIMITED COMPETITIVE APPOINTMENT PROCEDURES FOR CERTAIN POSITIONS WITHIN THE CLASSIFIED SERVICE.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Chapter 2.1 of the Norfolk City Code 1979 is hereby amended and reordained in its entirety to add one new Article numbered and reading as follows:

ARTICLE X. CLASSIFIED SERVICE - LIMITED
COMPETITION APPOINTMENT PROCEDURES

DIVISION 1.- EMERGENCIES

**Sec. 2.1-69 Emergency appointments
into positions within
the classified service.**

- (a) *Policy.* The council hereby grants the city manager power only for use when severe and on-going emergencies affect the ability of the city manager to fill vacant positions within specific classification specifications making up the classified service of the city as established by Sections 110 through 113 of the City Charter, as amended. Such powers are granted pursuant to section 2.1-1 of this Code, as amended, and section 15.2-1131 of the Code of Virginia, 1950, as amended, and shall not extend to the appointment of applicants into sworn classified positions within the departments of Police and Fire-Rescue. This section authorizes the city manager in such emergencies, subject to the

restrictions included within this section, to ignore the requirements of the City Charter and the Rules of the Civil Service Commission governing appointment into positions within the classified service, including but not limited to those applicable to the creation of eligible lists and the appointment of applicants off those lists. The exercise of this power may be justified for various reasons or combinations of reasons resulting in emergency circumstances, including but not limited to a sustained health emergency affecting the ability to fill positions within specific classifications within the classified service, such as the continuing COVID-19 pandemic beginning in the United States in approximately January of 2020.

- (b) *Written declaration of emergency circumstances.* The city manager or appropriate designee, such as the director of human resources, shall initiate an emergency action instituted pursuant to this authority with a written statement as to the nature of the emergency dictating the necessity to exercise the power granted by this section. This statement shall include the specific beginning and ending dates for such emergency actions. No such emergency action shall be for more than three months. Each emergency action declared pursuant to this section shall list all classifications within the classified service whose positions will be subject to appointment under the emergency action. The list of classifications subject to appointment under the emergency action may be amended in writing up to the beginning date of the emergency action and during it as necessary. The written declaration required by this subsection (b) shall constitute conclusive evidence that the declared emergency qualifies for the use of the authority granted in this section 2.1-69.
- (c) *Procedures to be competitive to the extent practicable.* In exercising the power granted by this section and initiating an emergency action pursuant to this section, the city manager shall to the maximum extent practicable follow competitive principles in choosing amongst applicants. Examinations conducted pursuant to this power shall be practical in their character

and related to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed. The city manager is hereby authorized to promulgate regulations governing procedures for these appointments consistent with this section 2.1-69.

- (d) *Probationary period.* All applicants appointed into positions within classification specifications within the classified service of the city pursuant to the authority of this section shall serve a probationary period of twelve (12) months.
- (e) *Exclusions.* In addition to the exclusion above regarding sworn positions, this section shall not apply to appointments to positions excluded from the classified service by section 114 of the City Charter, as amended, or to appointments to positions excluded from both the classified and unclassified service by section 114.1 of the City Charter, as amended.

Section 2:- That this ordinance shall be effective from and after its adoption.

Adopted by Council February 22, 2022
Effective February 22, 2022

TRUE COPY
TESTE:

RICHARD ALLAN BULL

BY:

CHIEF DEPUTY CITY CLERK